

To: Mutter, Andrew[mutter.andrew@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Thomas, Deb[thomas.debrah@epa.gov]; Smidinger, Betsy[Smidinger.Betsy@epa.gov]
Cc: Mylott, Richard[Mylott.Richard@epa.gov]; Vranka, Joe[vranka.joe@epa.gov]; Moler, Robert[Moler.Robert@epa.gov]
From: Benevento, Douglas
Sent: Fri 12/15/2017 8:02:56 PM
Subject: RE: Montana Standard: EPA now says West Side Soils does not include the Flat

Thanks. I read the story, I appreciate your outreach to the paper.

From: Mutter, Andrew
Sent: Friday, December 15, 2017 10:32 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Smidinger, Betsy <Smidinger.Betsy@epa.gov>
Cc: Mylott, Richard <Mylott.Richard@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>; Moler, Robert <Moler.Robert@epa.gov>
Subject: FW: Montana Standard: EPA now says West Side Soils does not include the Flat

Doug,

Ex. 5 - Deliberative Process

Best regards,

Andrew

Andrew Mutter

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From: Mylott, Richard

Sent: Friday, December 15, 2017 8:52 AM

To: Mutter, Andrew <mutter.andrew@epa.gov>; Faulk, Libby <Faulk.Libby@epa.gov>; McClain-Vanderpool, Lisa <Mcclain-Vanderpool.Lisa@epa.gov>; Ostendorf, Jody <ostendorf.jody@epa.gov>; Moler, Robert <Moler.Robert@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>; Smidinger, Betsy <Smidinger.Betsy@epa.gov>

Subject: Montana Standard: EPA now says West Side Soils does not include the Flat

fyi

http://mtstandard.com/news/local/epa-now-says-west-side-soils-does-not-include-the/article_f24ae025-4c75-5cbf-bb97-d29e1092e1d2.html#tracking-source=home-top-stories

The Environmental Protection Agency now denies the Flat is part of the area of Butte's Superfund known as West Side Soils.

EPA's Montana Superfund branch chief Joe Vranka gave a presentation at Wednesday's Council of Commissioners meeting to explain EPA's lack of action on West Side Soils. An internal report released in September analyzing the poor staffing levels at Superfund sites across the nation specifically cited West Side Soils — only one portion of the Silver Bow Creek/Butte Area Superfund site — as a place where EPA does not yet know if residents are being exposed to heavy metals.

During the meeting, Vranka discussed West Side Soils as an area north of Walkerville and west of Uptown. But many of those involved in Superfund work, including state officials, have long considered the Flat to be part of West Side Soils.

Several articles in The Montana Standard this year referred to the Flat, a heavily populated neighborhood southeast of Uptown, as part of West Side Soils, and EPA had not previously disputed that characterization.

The Standard asked specific questions about the Flat in emailed media queries to EPA in both September and October. EPA never addressed specifics about the Flat and never said West Side Soils does not include the Flat in the agency's emailed responses to the Standard. EPA also never asked for a correction or rebutted any of the Standard's previous stories.

In a written statement provided Thursday about why EPA never challenged the Standard's previous reporting, Vranka said:

"EPA appreciates the opportunity to correct this misunderstanding by presenting accurate information to you and the Council. Homes in the area of the Flats have been sampled for arsenic in attics and remediated where necessary."

In an emailed query sent in mid-October, The Montana Standard asked if Blacktail Creek east of the Lexington Avenue Bridge would be sampled for heavy metals.

EPA responded on Oct. 16 with the following response:

EPA "will identify what areas will be sampled and may include areas east of Lexington."

When asked about this Thursday, Vranka responded in writing:

"EPA was looking at areas east of Lexington but, after reviewing the data, we did not find reason to include areas east of Lexington at this time."

Natural Resource Damage Program environmental science specialist Pat Cunneen said that what he understood during the long years of negotiations and cleanup activity on the Butte Hill was that "what was not encompassed in (the Butte Hill) is part of West Side Soils."

One former smelter, the Bell Smelter, was located in the Flat, where Holiday Inn Express now sits off Harrison and Harvard Avenues. Cunneen said that when NRD took a look at Blacktail Creek in 2013, "it was obvious to us nothing had been done about the Bell Smelter."

Cunneen said there are "glory holes" — places where miners explored for minerals — around Maud S. Canyon and mine claims on the East Ridge that were worked by historic miners. He said there is also an unnamed dump west of Williamsburg, which is south of Interstates 15-90.

"If it didn't fit in (the Butte Hill), it fell to the catch-all of West Side Soils," Cunneen said.

Retired state project manager Joe Griffin, who worked on Butte Superfund for 11 years, said that if EPA is "trying to dismiss (the Flat), I'd question it."

Griffin said he is not concerned about the soils in the Flat but is worried about stormwater reaching Blacktail Creek.

"There are problems upstream of the (Butte Hill) boundary for Blacktail Creek," Griffin said.

The boundary for the Butte Hill is the Lexington Avenue Bridge, which crosses Blacktail Creek after passing the KOA.

Griffin said there were smelters in what is now known as the Greeley-Whittier area in the Flat.

"I would ask the question, 'How do we know that isn't the reason we have high levels of metals coming out of stormwater?'" Griffin said.

Butte-Silver Bow Superfund operations manager Eric Hassler previously told the Standard that the county's Residential Metals Abatement Program — most often referred to by its acronym RMAP — does sample attics in what could be vaguely defined as West Side Soils. Hassler said the county samples attics as far east as the East Ridge, as far west as Rocker, as far south as the Basin Creek area, and as far north as the Moulton Road area north of Yankee Doodle Tailings Pond. All of those areas fall outside the Butte Hill.

Hassler previously told the Standard that the county addressed "a couple" of yards in the Flat when a child showed elevated blood lead levels.

Hassler could not be reached for comment as of press time Thursday.

Vranka told the Standard that data for the Flat shows heavy metal concentrations in the soil to be below what EPA deems as unsafe for Butte. He said the smelter emissions caused heavy metals to wind up in the attics of homes in the Flat "but not in the soils."

"We've looked at a lot of data," he said.

He also said West Side Soils is vaguely defined in the EPA document that defines the Butte Hill cleanup.

That document, called the Record of Decision, says:

"West Side Soils encompasses areas of Silver Bow County that have experienced mining activity but lie outside of the other (sections of the Silver Bow Creek/Butte Area Superfund site), generally north and west of (the Butte Hill)."

During the commission meeting, Vranka said EPA has known that in north of Walkerville and west of Uptown, there are mine waste piles that exceed levels considered safe, even for occasional use.

EPA has known anecdotally that residents ride bikes and motorcycles and shoot guns in those waste piles.

During Wednesday's discussion, more than one commissioner brought up trust issues with EPA.

"Why do we feel in Butte-Silver Bow it's EPA and BP versus Butte-Silver Bow? Why do we feel that way?" Commissioner Jim Fisher asked rhetorically.

BP is the parent company of Atlantic Richfield Company, the former oil giant responsible for the environmental damage in Butte, Anaconda, and along the Clark Fork River.

Vranka said EPA works with Atlantic Richfield "every day to get things in place."

"We fight the battles. They're (Atlantic Richfield) interested in getting the cleanup done cost efficiently. We're interested in being protective; the community wants something restorative," Vranka said.